UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

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No. 03-6281

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FRED SHORES, JR.,

                              Petitioner - Appellant,

        versus

THEODIS BECK,

                              Respondent - Appellee.

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Appeal from the United States District Court for the Middle
District of North Carolina, at Durham. Frank W. Bullock, Jr.,
District Judge. (CA-01-474-01)

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Submitted: April 24, 2003   Decided: May 2, 2003

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Before NIEMEYER, GREGORY, and SHEDD, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Fred Shores, Jr., Appellant Pro Se. Sandra Wallace-Smith, Assistant
Attorney General, Raleigh, North Carolina, for Appellee.

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PER CURIAM:

Fred Shores, Jr., seeks to appeal the district court's orders denying relief on his petition filed under 28 U.S.C. § 2254 (2000) and denying his motion under Fed. R. Civ. P. 59(e). An appeal may not be taken from the final order in a habeas corpus proceeding unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2000). When, as here, a district court dismisses a § 2254 petition solely on procedural grounds, a certificate of appealability will not issue unless the petitioner can demonstrate both "(1) 'that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right' and (2) 'that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.'" Rose v. Lee, 252 F.3d 676, 684 (4th Cir.) (quoting Slack v. McDaniel, 529 U.S. 473, 484 (2000)), cert. denied, 534 U.S. 941 (2001). We have independently reviewed the record and concluded that Shores has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal. See 28 U.S.C. § 2253(c) (2000). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED